

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
New York Division**

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:
DUNKIN' DONUTS FRANCHISED :
RESTAURANTS LLC. :
a Delaware Limited Liability Company. :

DD IP HOLDER LLC, :
a Delaware Limited Liability Company. :

Plaintiffs, :

v. :

C.A. No. _____

AKCL INT'L GROUP, LTD., :
a New York Corporation , :

Defendant. :
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CERTIFICATION OF MICHAEL GASPAR

1. My name is Michael Gaspar. I am a citizen and resident of the State of New Jersey, and I make this Certification based on personal knowledge and in support of Dunkin' Donuts' ("Dunkin'" or "Dunkin' Donuts") Franchised Restaurants LLC's Memorandum in Support of its Motion for a Preliminary Injunction.

2. I am presently employed by Dunkin' Donuts as an Operations Manager. I have been an Operations Manager since January of 2007.


3. As an Operations Manager, my responsibilities include inspecting the shops of Dunkin' Donuts' franchisees located within my designated geographic market to ensure that they comply with the standards of Dunkin' Donuts. My geographic market of responsibility has included Defendant's shop located at 215 First Avenue, New York, New York 10003 ("Defendant's Shop") since January of 2007.

4. On April 19, 2007, Defendant's Shop was inspected by a representative of the Steritech Group, Inc. ("Steritech"), a third-party hired by Dunkin' to conduct food safety inspections. Numerous standards violation were identified relating to health, sanitation, and safety. A true and correct copy of the Food Safety & Sanitation Inspection form ("SSI") is attached hereto as Exhibit A.

5. On April 19, 2007, Steritech hand-delivered to Defendant a notice to cure listing standards violations at Defendant's Shop and requesting that these deficiencies be cured immediately. A true and correct copy of the Notice to Cure is attached hereto as Exhibit B.

6. On April 25, 2007, I re-inspected Defendant's Shop. Numerous standards violations still existed at the shop. I noted the specific violations present on the SSI in the "Corrective action" section of each violation. *See* Exhibit A. I also took photographs of many of the standards violations. True and correct copies of the photographs are attached hereto as Exhibit C.

I certify under penalty of perjury that the foregoing is true and correct. Executed on this 16TH day of May, 2007.


Michael Gaspar